

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

ELIZABETH A. GONZALEZ,

CASE NO:

Plaintiff

vs.

UNITED STATES POSTAL SERVICE and
GENESIO F. DE SOUZA,

Defendants.

COMPLAINT

Plaintiff, ELIZABETH A. GONZALEZ, by and through her undersigned counsel, hereby files her Complaint against the UNITED STATES POSTAL SERVICE (hereinafter ‘USPS’) and GENESIO F. DE SOUZA (hereinafter “DE SOUZA”) and would allege as follows:

PRELIMINARY STATEMENT

1. This action is brought under the Federal Tort claims Act, 28 U.S.C. §1346(b), 2671 et seq., as is more fully alleged in this Complaint.

2. On or about August 3, 2023, Plaintiff, ELIZABETH A. GONZALEZ, was a pedestrian retrieving her mail from her mailbox at or near 1104 NW 16th Place in Stuart, Florida when she was struck by Defendant, USPS’ vehicle that was negligently operated by Defendant, DE SOUZA and resulting in serious and permanent injury to Plaintiff.

THE PARTIES

3. Plaintiff, ELIZABETH A. GONZALEZ is a citizen of the United States and resides in Stuart, Martin County, Florida.

4. Defendant, USPS is an independent agency of the executive branch of the United States Federal Government and owns/has control over the subject vehicle that was operated by Defendant, DE SOUZA.

5. Defendant, DE SOUZA, is alleged to be a citizen of the United States and resides in Fort Pierce, St. Lucie County, Florida.

THE VENUE

6. Venue is proper in the Southern District of Florida pursuant to Title 28 U.S.C. § 1391(a)(2), since it is the judicial district in which a substantial portion of the events giving rise to the claim occurred.

THE FACTS

7. On or about August 3, 2023, Plaintiff, ELIZABETH A. GONZALEZ, was a pedestrian retrieving her mail from her mailbox at or near 1104 NW 16th Place in Stuart, Florida when she was struck by Defendant, USPS' vehicle that was negligently operated by Defendant, DE SOUZA and resulting in serious and permanent injury to Plaintiff

8. On or about August 3, 2023, the Defendant, USPS owned and/or controlled a 1992 Chevrolet mail truck that was operated with its express and/or implied permission and consent by Defendant, DE SOUZA.

9. At all times material, Defendant, DE SOUZA was an agent, servant and/or employee of Defendant, USPS.

10. On or about August 3, 2023, Defendant, DE SOUZA operated the aforementioned 1992 Chevrolet mail truck while in the course and scope of his employment with Defendant, USPS at or near 1104 NW 16th Place in Stuart, a location adjacent to Plaintiff's residence.

11. At all times material, Plaintiff, ELIZABETH A. GONZALEZ, was a pedestrian that was retrieving her mail from her mailbox at her home when Defendant, DE SOUZA reversed his vehicle striking the Plaintiff and causing severe injuries to Plaintiff.

12. On or about August 17, 2023, the Defendant, USPS received Plaintiff's claim for damages and failed to formally deny or finally dispose with the claim within six (6) months after its submission.

COUNT I
NEGLIGENCE of GENESIO DE SOUZA

Plaintiff, ELIZABETH A. GONZALEZ, realleges all allegations in paragraphs one (1) through twelve (12) and further alleges:

13. On or about August 3, 2023, the Defendant, USPS owned and/or controlled a 1992 Chevrolet mail truck that was operated with its express and/or implied permission and consent by Defendant, DE SOUZA and at the time of the collision was used for the commercial activity in Defendant, USPS ordinary course of business.

14. At all time material Defendant, DE SOUZA had a duty to exercise ordinary, reasonable and due care while operating said motor vehicle and had a duty to comply with Florida traffic laws.

15. At said time and place, Defendant, DE SOUZA carelessly and negligently operated the above-described vehicle so that it collided with the Plaintiff, who at said place and time was a pedestrian.

16. As a direct and proximate result of the negligence of the Defendant, DE SOUZA, Plaintiff, ELIZABETH A. GONZALEZ, suffered bodily injury and resulting pain and suffering, disability, permanent scarring and disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of

ability to earn money, aggravation of a previously existing condition, out-of-pocket expenses for deductibles, copays and/or rental fees for property damage incurred to Plaintiff's vehicle. The losses are continuing in nature and Plaintiff, ELIZABETH A. GONZALEZ, will suffer the losses indefinitely into the future.

WHEREFORE, Plaintiff, ELIZABETH A. GONZALEZ, demands judgment against Defendant, DE SOUZA, for compensatory damages, together with interest and costs, and demands trial by jury on all issues triable as a matter of right.

COUNT II
VICARIOUS MOTOR VEHICLE LIABILITY AGAINST USPS

Plaintiff, ELIZABETH A. GONZALEZ, realleges all allegations in paragraphs one (1) through twelve (12) and further alleges:

17. On or about August 3, 2023, the Defendant, USPS owned and/or controlled a 1992 Chevrolet mail truck that was operated with its express and/or implied permission and consent by Defendant, DE SOUZA and at the time of the collision was used for the commercial activity in Defendant, USPS ordinary course of business.

18. Defendant, DE SOUZA, negligently operated and/or maintained the motor vehicle by backing it up and striking the pedestrian Plaintiff and running the vehicle over her body

19. Defendant, USPS, as the owner of the motor vehicle driven by Defendant, DE SOUZA, with its permission and consent, is liable for the negligence of the permissive operator Defendant, DE SOUZA.

20. As a direct and proximate result of the negligence of the Defendant, USPS., Plaintiff, ELIZABETH A. GONZALEZ, suffered bodily injury and resulting pain and suffering, disability, permanent scarring and disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of

earnings, loss of ability to earn money, aggravation of a previously existing condition, out-of-pocket expenses for deductibles, copays and/or rental fees for property damage incurred to Plaintiff's vehicle. The losses are continuing in nature and Plaintiff, ELIZABETH A. GONZALEZ, will suffer the losses indefinitely into the future.

WHEREFORE, Plaintiff, ELIZABETH A. GONZALEZ, demands judgment against the Defendant, USPS, for compensatory damages, together with interest and costs, and demands trial by jury on all issues triable as a matter of right.

Respectfully submitted this 9th day of May 2025.

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